

REMARKS

This Request for Continued Examination (RCE) and accompanying Reply are submitted in lieu of an appeal brief subsequent to the filing of a notice of appeal on May 6, 2008, and is responsive to the Office Action of November 27, 2007. In view of the foregoing amendments and following remarks, reconsideration is requested.

After entry of the foregoing amendments, claims 1, 9, 11-12, 14 and 25-30 remain in this application, of which claims 1, 9, 12 and 25 are independent. No fee is due for claims for this amendment.

Rejections of Claims 1-6, 9, 12, 25 and 27 Under 35 U.S.C. §103

Claims 1, 9, 12, 25 and 27, of which claims 1, 9, 12 and 25 are independent, were rejected under 35 U.S.C. §103 in view of Escobar¹ and Wittenburg². This rejection is respectfully traversed.

According to Escobar, as shown in its Fig. 1, a "Video Time Line" 140 and 141 and a "Program Object Time Line" 160 are used to specify a multimedia program. The instant Action continues to assert that the "specification" 400 referred to in Escobar is a "specification for the multimedia presentation." However, as noted in prior replies, Escobar uses the term "specification" merely to refer to an early step in designing and prototyping a reusable computer program object³ for which computer program code is to be written.⁴ Escobar states that in order "[t]o develop a program object, first, a specification (400) for the object is prepared."⁵ The "specification" is clearly a specification for the program object, and not "for the multimedia presentation" as asserted. In Escobar's system, computer program objects are stored in bins or directories and are intended to be "dragged and dropped onto interactive tracks to enable a non-programmer to achieve functionality which would otherwise require development by software engineers."⁶ Thus, even specifying or designing all of the program objects used by a multimedia

¹ U.S. Patent 5,659,793 to Escobar *et al.*

² U.S. Patent 6,515,656 to Wittenberg *et al.*

³ Escobar, col. 8, ll. 30-31.

⁴ Escobar, col. 8, ll. 49-67.

⁵ Escobar, col. 8, ll. 56-57.

⁶ Escobar col. 8, ll 30-34

presentation would not equate to specifying the presentation, as it would not address at all any temporal ordering or display characteristics related to the program objects.

As noted in the Office Action, Escobar fails to disclose a *layout specification defining a spatial relationship among the temporal and nontemporal media in a display area*, as recited in claim 1. The Action asserts that Wittenberg discloses “controlling the spatial relationships of the display of the media objects”⁷, citing to column 14, lines 39-42 and several variants of presentations illustrated in Figures 6-10, and noting in particular that there is a spatial relationship between objects shown at element 64 in Fig. 6. In other words, Wittenberg is relied upon for merely showing a display with media objects in a spatial relationship with each other.

By contrast, independent claim 1 recites an “indicat[ion], for each track of the one or more first tracks and one or more second tracks, a portion of the display area in which media from the track will be displayed. Similar limitations are found in independent claim 9. In independent claims 12 and 25, the claims recite “an indication for each track in the timeline a portion of the display area in which media from the track will be displayed.”

The independent claims as amended also recite that the data defining the spatial relationships also can be modified by the user. As a result, the claims recite an interface that enables a user to define both the temporal and spatial relationships among temporal and nontemporal media.

Wittenberg merely describes objects that are displayed in a spatial relationship and fails to describe how this spatial relationship is achieved. Therefore, Wittenberg fails to specifically describe “data [that] ... indicates, for each track of the temporal media ... a portion of the display area in which media from the track will be displayed,” and a “graphical user interface [that] ... enables the user to modify the data defining the spatial relationship <among the temporal and non-temporal media in the display area>,” as required by claim 1.

Accordingly, the independent claims are not described by Escobar and Wittenberg, whether alone or in combination, and are therefore not rendered obvious by these references. Thus, the rejection of the independent claims 1, 9, 12 and 25 under 35 U.S.C. §103 in view of Escobar and Wittenberg should be withdrawn.

The remaining claims are dependent claims. Therefore, the rejection of these claims also should be withdrawn for at least the reasons discussed above.

⁷ Office Action, page 4, ll. 7-8.

Rejection of Claims 11, 14, 26 and 28-30 Under 35 U.S.C. §103

The remaining dependent claims 11, 14, 26 and 28-30 were rejected under 35 U.S.C. §103 in view of Escobar, Wittenberg and Gill⁸. The arguments from Applicant's prior Reply filed September 12, 2007, of which the substance was not addressed in the most recent Office Action, are hereby incorporated by reference. As these claims are dependent claims, the rejection should be withdrawn for at least the same reasons for withdrawing the rejections of the independent claims.

⁸ U.S. Patent 6,081,262 to Gill *et al.*

CONCLUSION

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this Reply, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, please charge any fee to **Deposit Account No. 50-0876**.

Respectfully submitted,

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